

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHERRY POE,)	Case No.
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
UNITED STATES POSTAL SERVICE)	
)	
Defendant.)	

COMES NOW the Plaintiff and for his cause of action against the Defendant alleges and states as follows:

GENERAL ALLEGATIONS

1. That Plaintiff, Sherry Poe, resides in Omaha, Douglas County, Nebraska.
2. That at all times relevant, Plaintiff was the operator of a 2002 Dodge Neon.
3. That at all times relevant, Douglas Boll, was the operator of a 1989 GM Postal vehicle.
4. That the United States Postal Service is a governmental agency, acting for and on behalf of Defendant herein.
5. That at all times relevant, Douglas Boll was an employee of the United States Postal Service, and as such was an employee of the Government of the United States.
6. That at all times relevant, Douglas Boll was acting within the scope of his employment with the Government of the United States.

JURISDICTION

7. This action is based on the Federal Tort Claims Act, Title 28 U.S.C.
8. This Court has jurisdiction pursuant to 28 U.S.C. §1346(b)(1).

9. Plaintiff presented a claim to the United States Postal Service pursuant to 28 U.S.C. §2675, and such agency denied Plaintiff's claim in writing on May 25, 2011.

CAUSE OF ACTION

10. On or about the 4th day of June, 2010, Plaintiff was operating 2002 Dodge Neon automobile eastbound on Grover Street behind a delivery truck and slowed to stop at the intersection of 66th Street and Grover Street in Omaha, Douglas County, Nebraska; at or about the same time Defendant's employee was operating his 1989 Postal vehicle eastbound on Grover Street at or near its intersection with Grover Street and failed to slow and stop causing his vehicle to collide with Plaintiff's vehicle which resulted in injuries to Plaintiff as hereinafter described.

11. The aforesaid collision was solely and proximately caused by the negligence of the Defendant's employee in the following particulars, to wit:

- a. In failing to keep a reasonable and proper lookout;
- b. In failing to keep his vehicle under reasonable and proper control; and
- c. In violating the traffic control signal for the intersection of 66th and Grover Street in Omaha, Douglas County, Nebraska.

12. As a direct and proximate result of the negligence of Defendant's employee, as hereinabove set forth, Plaintiff suffered severe painful and permanent injuries requiring extended medical treatment.

13. As a direct and proximate result of the negligence of Defendant's employee, as hereinabove set forth, Plaintiff has incurred medical expenses in an amount yet to be determined and will incur future medical expenses for treatment of her injuries.

14. As a direct and proximate result of the negligence of the Defendant's employee

as hereinabove set forth, Plaintiff has suffered and will continue to suffer a loss of the quality and ability to enjoy her life and has undergone severe mental and physical pain and suffering to the present and will continue to undergo such mental and physical pain and suffering in the future.

15. Plaintiff makes a demand for a jury trial in Omaha, Nebraska.

WHEREFORE, Plaintiff prays for special damages incurred to date; future special damages, general damages and for costs expended herein.

DATED this 21st day of June, 2011.

SHERRY POE, Plaintiff

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